



Attorney Docket No. P58317US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: APPINO et al.

Application No.: 08/865,044

Art Unit: 1616

Filed: May 29, 1997

Examiner: M. LAMM

For: DEVICE FOR DISPENSING A THERAPEUTIC OR COSMETIC SUBSTANCE, THE INERT VEHICLE OF WHICH IS A VOLATILE POLYDIORGANOSILOXANE, AND COMPOSITION INTENDED TO BE USED IN THE DEVICE

**REQUEST FOR ACKNOWLEDGMENT OF
PRIORITY CLAIM AND RECEIPT OF
PRIORITY DOCUMENT UNDER 35 USC 119**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Neither the priority claim under 35 USC 119 (in the inventorship declaration) nor receipt of the certified copy of the §119 priority document has been acknowledged in the subject file wrapper continuation application (FWC) (i.e., filed under former Rule 62). The certified copy of the §119 priority document was received by the PTO as evidenced by U.S. Pat. No. 5,582,815 (cover page attached hereto), based on parent application no. 08/291,834.

It is requested that the examiner indicate on the record the §119 priority claim and that the priority document was received by the PTO and notify the undersigned attorneys of record, accordingly.

Favorable action is requested.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By

William E. Player

Reg. No. 31,409

400 Seventh Street, NW
Washington, D.C. 20004
Tel. (202) 638-6666
Fax (202) 393-5350
Date: January 6, 2004
WEP/bap



US005582815A

United States Patent [19]**Appino et al.**[11] **Patent Number:** **5,582,815**[45] **Date of Patent:** **Dec. 10, 1996**

[54] **DEVICE FOR DISPENSING A
THERAPEUTIC OR COSMETIC
SUBSTANCE, THE INERT VEHICLE OF
WHICH IS A VOLATILE
POLYDIORGANOSILOXANE, AND
COMPOSITION INTENDED TO BE USED IN
THE DEVICE**

[75] **Inventors:** **Jim Appino**, Doylestown, Pa.;
Jean-Marc Aiache, Clermont-Ferrand,
France

[73] **Assignee:** **Laboratoires CILAG**, Levallois-Perret,
France

[21] **Appl. No.:** **291,434**

[22] **Filed:** **Aug. 16, 1994**

[30] **Foreign Application Priority Data**

Aug. 18, 1993 [FR] France 93 10075

[51] **Int. Cl.⁶** **A61K 9/14**

[52] **U.S. Cl.** **424/45; 424/46**

[58] **Field of Search** **424/45, 46, 43**

[56] **References Cited**

U.S. PATENT DOCUMENTS

5,292,530 3/1994 McCrea et al. 424/66

FOREIGN PATENT DOCUMENTS

| | | |
|---------|---------|----------------------|
| 0229640 | 1/1987 | European Pat. Off. . |
| 0468564 | 4/1991 | European Pat. Off. . |
| 0478456 | 9/1991 | European Pat. Off. . |
| 3330447 | 3/1985 | Germany . |
| 3810730 | 10/1989 | Germany . |

OTHER PUBLICATIONS

Josef Roidl; Zeitschrift fur die Körperpflegemittel-, Parfumerie-, Riechstoff- u Aerosol-Industrie; Kosmetika Aerosole Riechstoffe; Nov. 12, 1987; pp. 685-689.

Primary Examiner—Nathan M. Nutter

Attorney, Agent, or Firm—Jacobson, Price, Holman & Stern

[57] **ABSTRACT**

The present invention relates to a device enabling a therapeutic or cosmetic substance to be dispensed in the form of aerosol particles.

The device according to the invention is of the two-compartment type or has a pump body mounted on it and has the characteristic feature that it contains a composition including an active substance and an inert vehicle which is one or more polydiorganosiloxanes of sufficient volatility to ensure expulsion of the composition in the form of aerosol particles.

The invention also relates to the composition intended to be used in the device.

18 Claims, 1 Drawing Sheet